



# MDE Recommends

## GRADE PROMOTION AND RETENTION

The sections of the *Revised School Code* that address this issue are contained in the Michigan Compiled Laws under MCL 380.10, 380.11a, 380.1280b, and 380.1282.

### **Local Board Authority**

Promotion and retention decisions may be difficult. People may disagree about policies and criteria, and research may not provide educators with a definitive answer to the question of whether to promote or retain. However, despite the problems inherent in making promotion and retention decisions, it is clear that educators and boards of education have authority to adopt policies that are based on objective criteria.

The *Revised School Code*, sections 380.11a and 380.1282, provides a board of education "general powers" to "exercise a power incidental or appropriate to the performance of any function related to the operation of the school district in the interests of public elementary and secondary education in the school district." [MCL 380.11a and 380.1282]. Moreover, the courts have confirmed that a school board has the authority to retain pupils on the basis of their failure to achieve at the appropriate level.

### **Parental Right to Request**

Regarding the rights of a parent on this issue, the law does recognize:

Section 380.10:

*"It is the natural, fundamental right of parents and legal guardians to direct the care, teaching, and education of their children. The public schools of this state serve the needs of the pupils by cooperating with the pupil's parents and legal guardians to develop the pupil's intellectual capabilities and vocational skills in a safe and positive manner."*

This authority does not give a parent the ability to determine at what grade level their child shall be placed. While a local school board policy may consider the recommendation of a parent as an objective standard and incorporate it in the promotion and retention policy, the ultimate decision is based on school board policy.

### **Early Elementary Assessment**

Beginning in the 2000-2001 school year, public schools and public school academies shall administer annually to all students in grades one to five a nationally-recognized norm-referenced test or another assessment, which may include a locally-adopted assessment approved by the superintendent of public instruction [MCL 380.1280b]. For additional information, please contact Paul Bielawski, Office of Educational Assessment and Accountability at (517) 373-1342.